

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-13, 16-28, 30-33 and 40-45 are pending and rejected.

In this response, no claim has been canceled. Claims 1, 9-13, 16, 17, 24, 30, 40 and 43 have been amended. No new matter has been added. Thus, claims 1-13, 16-28, 30-33 and 40-45 remain pending.

EXAMINER INTERVIEW

Applicant thanks Examiner Wu, Yicun for granting a telephone interview with Applicant's counsel on November 13, 2008. The interview included discussions of the Office Action's 35 U.S.C. §103(a) rejections in view of the cited references *Duggan* and *Eschelbeck*. Applicant specifically presented reasons that a proposed set of claims 1, 9, 17, 24, 30, 40 and 43 are patentable over the above references. An agreement was reached that the proposed set of claims with further amendment appeared to overcome the cited references.

Applicant respectfully submits that claims in this Response substantially reflect the proposed set of claims with further amendment, and are patentable over the cited references.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2, 4, 5, 9, 10, 12, 13, 17-20, 22-27, 30-33 and 40-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Duggan et al.* (US Patent 6,571,257, hereinafter "*Duggan*") in view of *Eschelbeck et al.* (US Patent 6,553,377, hereinafter "*Eschelbeck*"). Applicant does not admit that *Duggan* and *Eschelbeck* are prior art and reserves the right to challenge these references at a later date.

Duggan discloses methods for storage resource management in order to provide detailed file storage attributes. The methods include an initialization phase during which file storage attributes are collected in order to create a snapshot of the storage layout on every managed host. The methods also include a data collection phase and a management server communication phase. See *Duggan* Summary of the Invention.

Eschelbeck discloses a system and method for maintaining a plurality of remote security applications using a centralized broker in a distributed computing environment. The remote security applications on each remote client system are interfaced to an agent which communicates with the security management interface service via the agent communication services snap-in components. See *Eschelbeck* Summary of the Invention.

Applicant respectfully submits that *Duggan* in view of *Eschelbeck* do not teach or suggest all elements of the claims 1-13, 16-28, 30-33 and 40-45. Specifically, independent claims 1, 9, 17, 24, 30, 40 and 43, as amended, substantially recite that an agent is an independent processing system which is a separate device from the storage server and the MMA, and wherein the agent communicates with the storage server via a network. The Office Action admits that *Duggan* does not teach an independent processing system which is a separate device and wherein the agent communicates with the storage server via a network (Office Action page 3), and relies on *Eschelbeck* for such disclosure.

In Figure 2 of *Eschelbeck*, each client 46-49 implements an agent 58-61, which provides a communication component for a corresponding plug-in component 40 (column 5, line 66 – column 6, line 2). The agent is further described in Figure 4, which shows an agent communication service snap-in 110 on the server 20 works with a corresponding agent 111 on the client 30 for enabling a security application snap-in component 104-106 to remotely configure and manage an associated plug-in component 113, 116, 119, etc (column 7, lines 62-67). Even though the client 30, which contains the agent 111, is an independent device which is separate from the SIM service device 20, *Eschelbeck* does not teach or suggest a storage server. Nor does *Eschelbeck* teach or suggest the client 30 with its agent 111 being an independent system which is a separate device from the storage server. Further, in *Eschelbeck*'s Figure 2, the event db 64-67 are "local event databases" of the clients 46-49 used to store event data (column 6, lines 12-15). Therefore, these event db 64-67 are not a storage server with which the agents 46-49 communicate via a network. Thus, *Eschelbeck* does not disclose an agent being an independent processing system which is a separate device from the storage server and the MMA, and wherein the agent communicates with the storage server via a network.

Further, independent claims 1, 9, 17, 24, 30, 40 and 43, as amended, substantially recite dividing, by the MMA, data stored in the storage server into a plurality of sections; assigning, by

the MMA, the plurality of sections to a plurality of agents; and using a plurality of agents to scan the plurality of sections. In Figure 2 of *Duggan*, each of the data collection agents 115 collects data from the file system 120 of the managed host 120 upon which the agent 115 operates. Even though there are multiple agents 115 to process multiple file systems 120, each agent is not an independent device, and can only scan the managed host 105 the agent 115 is located on. Further, the storage management application 140, which the Office Action interprets as a MMA, does not divide any of the file systems 120 in any managed host 105 into a plurality of sections. Nor does *Duggan* disclose assigning the file systems 120 of the managed hosts 105 to multiple agents 115 for scanning. Thus, *Duggan* does not teach or suggest dividing, by the MMA, data stored in the storage server into a plurality of sections; assigning, by the MMA, the plurality of sections to a plurality of agents; and using a plurality of agents to scan the plurality of sections.

In Figure 2 of *Eschelbeck*, each of the agents 58-61 is located in one of the clients 46-49 respectively. As discussed above, *Eschelbeck* does not teach or suggest a storage server communicating with the agents 58-61 via a network. Thus, *Eschelbeck* does not teach or suggest dividing data stored in the storage server into a plurality of sections and assigning the plurality of sections to a plurality of agents.

Since *Duggan* in view of *Eschelbeck*, individually or in combination, do not teach or suggest all elements of the independent claims 1, 9, 17, 24, 30, 40 and 43, the above combination cannot render obvious Applicant's invention as claimed in dependent claims 2-8, 10-13, 16, 18-23, 25-28, 31-33, 41-42 and 44-45. Therefore, Applicant respectfully requests the withdrawal of the rejections of the claims 1-13, 16-28, 30-33 and 40-45 under 35 U.S.C. §103(a).

REJECTIONS UNDER 35 U.S.C. § 103

Claims 3, 6, 7, 11, 21 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Duggan* in view of *Eschelbeck* and further in view of Horn (US Patent Publication 2005/0050269, hereinafter "*Horn*"). Applicant does not admit that the above references are prior art and reserves the right to challenge these references at a later date.

Claims 8 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Duggan* in view of Marshall (Dave Marshall, Threads: Basic Theory and Libraries May 1999,

hereinafter "*Marshall*"). Applicant does not admit that the above references are prior art and reserves the right to challenge these references at a later date.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

In view of the foregoing, at least for the above reasons, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (650) 838-4300.


Please charge Deposit Account No. 50-2207 for any shortage of fees in connection with this response.

Respectfully submitted,

Perkins Coie LLP

Date: _____

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